Phillip Dunn
PLAINTIFF/PETITIONER/MOVANT'S NAME
T-79951
PRISON NUMBER
SATP
PLACE OF CONFINEMENT
P.O. Box 5248 Corcoran, CA 93212
ADDRESS

FILED
2008 APR 14 PM 3:18
CLERK US DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA
BY Rm DEPUTY

United States District Court
Southern District Of California

Phillip Dunn,
Plaintiff/Petitioner/Movant

v.

Ken Clark,
Defendant/Respondent

Civil No. 08CV0485-BTM (JMA)
(TO BE FILLED IN BY U.S. DISTRICT COURT CLERK)

MOTION AND DECLARATION UNDER PENALTY OF PERJURY IN SUPPORT OF MOTION TO PROCEED IN FORMA PAUPERIS

I, Phillip Dunn,
declare that I am the Plaintiff/Petitioner/Movant in this case. In support of my request to proceed without prepayment of fees or security under 28 U.S.C. § 1915, I further declare I am unable to pay the fees of this proceeding or give security because of my poverty, and that I believe I am entitled to redress.

In further support of this application, I answer the following question under penalty of perjury:

1. Are you currently incarcerated? ☒ Yes ☐ No (If "No" go to question 2)
   If "Yes," state the place of your incarceration SATF
   Are you employed at the institution? ☐ Yes ☒ No
   Do you receive any payment from the institution? ☐ Yes ☒ No
   [Have the institution fill out the Certificate portion of this affidavit and attach a certified copy of the trust account statement from the institution of your incarceration showing at least the last six months transactions.]

2. Are you currently employed? ☐ Yes ☑ No

a. If the answer is "Yes," state the amount of your take-home salary or wages and pay period and give the name and address of your employer.______________________________

b. If the answer is "No" state the date of your last employment, the amount of your take-home salary or wages and pay period and the name and address of your last employer. 2002

3. In the past twelve months have you received any money from any of the following sources?:

a. Business, profession or other self-employment	☐ Yes	☒ No
b. Rent payments, royalties interest or dividends	☐ Yes	☒ No
c. Pensions, annuities or life insurance	☐ Yes	☒ No
d. Disability or workers compensation	☐ Yes	☒ No
e. Social Security, disability or other welfare	☐ Yes	☒ No
e. Gifts or inheritances	☐ Yes	☒ No
f. Spousal or child support	☐ Yes	☒ No
g. Any other sources	☐ Yes	☒ No

If the answer to any of the above is "Yes" describe each source and state the amount received and what you expect you will continue to receive each month.______________________________

4. Do you have any checking account(s)? ☐ Yes ☑ No

a. Name(s) and address(es) of bank(s):______________________________

b. Present balance in account(s):______________________________

5. Do you have any savings/IRA/money market/CDS' separate from checking accounts? ☐ Yes ☑ No

a. Name(s) and address(es) of bank(s):______________________________

b. Present balance in account(s):______________________________

6. Do you own an automobile or other motor vehicle? ☐ Yes ☑ No

a. Make:______________ Year:__________ Model:______________

b. Is it financed? ☐ Yes ☐ No

c. If so, what is the amount owed?______________________________

7. Do you own any real estate, stocks, bonds, securities, other financial instruments, or other valuable property?
☐ Yes ☒ No
If "Yes" describe the property and state its value.______________________________

8. List the persons who are dependent on you for support, state your relationship to each person and indicate how much you contribute to their support.______ Ø ______

9. List any other debts (current obligations, indicating amounts owed and to whom they are payable):______
Ø

10. List any other assets or items of value (specify real estate, gifts, trusts inheritances, government bonds, stocks, savings certificates, notes, jewelry, artwork, or any other assets [include any items of value held in someone else's name]):______ Ø ______

12. If you answered all of the items in #3 "No," and have not indicated any other assets or sources of income anywhere on this form, you must explain the sources of funds for your day-to-day expenses.______
Ø

I declare under penalty of perjury that the above information is true and correct and understand that a false statement herein may result in the dismissal of my claims.

4-10-08 ______________________ [signature] ______________________
DATE SIGNATURE OF APPLICANT

If you are a **prisoner** you must have an officer from your institution provide this official certificate as to the amount of money in your prison account. There are no exceptions to this requirement.

PRISON CERTIFICATE
(Incarcerated applicants only)
(To be completed by the institution of incarceration)

I certify that the applicant ______________________________,
(NAME OF INMATE)

______________________________,
(INMATE'S CDC NUMBER)

has the sum of $______________ on account to his/her credit at ______________

______________________________.
(NAME OF INSTITUTION)

I further certify that the applicant has the following securities ______________ to his/her credit according to the records of the aforementioned institution. I further certify that **during the past six months** the applicant's ***average monthly balance*** was $ ______________, and the ***average monthly deposits*** to the applicant's account was $______________.

ALL PRISONERS ***MUST*** ATTACH A CERTIFIED COPY OF THEIR TRUST ACCOUNT STATEMENT SHOWING TRANSACTIONS FOR THE SIX-MONTH PERIOD IMMEDIATELY PRECEDING THE FILING OF THE COMPLAINT PER 28 U.S.C. § 1915(a)(2).

______________________ DATE

______________________ SIGNATURE OF AUTHORIZED OFFICER OF INSTITUTION

______________________ OFFICER'S FULL NAME (PRINTED)

______________________ OFFICER'S TITLE/RANK

TRUST ACCOUNT WITHDRAWAL AUTHORIZATION
(Incarcerated applicants only)

(This form **MUST** be completed by the prisoner requesting to proceed in forma pauperis. An incomplete "Trust Account Withdrawal Authorization Form," or "Prison Certificate" will result in automatic denial of the prisoner's request to proceed in forma pauperis.)

I, ______________________________, request and authorize the agency holding me in
(Name of Prisoner/ CDC No.)

custody to prepare for the Clerk of the United States District Court for the Southern District of California, a certified copy of the statement for the past six months of my trust fund account (or institutional equivalent) activity at the institution where I am incarcerated.

I further request and authorize the agency holding me in custody to calculate and disburse funds from my trust fund account (or institutional equivalent) pursuant to any future orders issued by the Court relating to this civil action pursuant to the Prison Litigation Reform Act of 1995, Pub. L. No. 104-134, Title VIII, §§ 801-10, 110 Stat. 1321 (1996).

This authorization is furnished in connection with a civil action filed in the Southern District of California, and I understand that, pursuant to 28 U.S.C. §§ 1914 and 1915(b)(1), the total amount of filing fees for which I am obligated is either ☐ $350 (civil complaint) or ☐ $5 (habeas corpus petition) (check one). I also understand that this fee will be debited from my account regardless of the outcome of this action. This authorization shall apply to any other agency into whose custody I may be transferred.

______________________ ______________________

DATE SIGNATURE OF PRISONER

REPORT ID: TS3030 .701 REPORT DATE: 04/02/08

PAGE NO: 1

CALIFORNIA DEPARTMENT OF CORRECTIONS
SATF/SP AT CORCORAN
INMATE TRUST ACCOUNTING SYSTEM
INMATE TRUST ACCOUNT STATEMENT

FOR THE PERIOD: OCT. 01, 2007 THRU APR. 02, 2008

ACCOUNT NUMBER : T79951 BED/CELL NUMBER: F0B2T1000000153W
ACCOUNT NAME : DUNN, PHILLIP WAYNE ACCOUNT TYPE: I
PRIVILEGE GROUP: A

TRUST ACCOUNT ACTIVITY

CURRENT HOLDS IN EFFECT

DATE PLACED	HOLD CODE	DESCRIPTION	COMMENT	HOLD AMOUNT
03/20/2008	H109	LEGAL POSTAGE HOLD	4752/03-11	5.05
03/20/2008	H109	LEGAL POSTAGE HOLD	4752/03-11	2.15
03/20/2008	H109	LEGAL POSTAGE HOLD	4752/03-11	4.60
03/26/2008	H118	LEGAL COPIES HOLD	4845/03-11	53.00
03/26/2008	H118	LEGAL COPIES HOLD	4845/03-22	8.90
04/01/2008	H109	LEGAL POSTAGE HOLD	4888/03-23	4.60

TRUST ACCOUNT SUMMARY

BEGINNING BALANCE	TOTAL DEPOSITS	TOTAL WITHDRAWALS	CURRENT BALANCE	HOLDS BALANCE	TRANSACTIONS TO BE POSTED
0.00	0.00	0.00	0.00	78.30	0.00

CURRENT AVAILABLE BALANCE
78.30-

THE WITHIN INSTRUMENT IS A CORRECT COPY OF THE TRUST ACCOUNT MAINTAINED BY THIS OFFICE.
ATTEST: 4-3-08
CALIFORNIA DEPARTMENT OF CORRECTIONS
BY [signature] AOS
TRUST OFFICE

UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF CALIFORNIA

PHILLIP W. DUNN, Petitioner, v. KEN CLARK, Warden, Respondent.	Civil No. 08cv0485-BTM (JMA) **NOTICE REGARDING POSSIBLE DISMISSAL FOR FAILING TO SATISFY FILING FEE REQUIREMENT**

Petitioner, a state prisoner proceeding pro se, has filed a Petition for a Writ of Habeas Corpus pursuant to 28 U.S.C. § 2254, but has failed to pay the $5.00 filing fee and has failed to move to proceed in forma pauperis. Because this Court cannot proceed until Petitioner has either paid the $5.00 filing fee or qualified to proceed in forma pauperis, the Court hereby notifies Petitioner that this action is subject to dismissal for failing to satisfy the filing fee requirement. See Rule 3(a), 28 U.S.C. foll. § 2254. If Petitioner wishes to proceed with this case, he must submit, **no later than May 19, 2008,** a copy of this Order with the $5.00 fee or with adequate proof of his inability to pay the fee. The Clerk of Court shall send a blank Southern District of California In Forma Pauperis Application to Petitioner along with a copy of this Order.

IT IS SO ORDERED.

DATED: March 24, 2008

Barry Ted Moskowitz

Honorable Barry Ted Moskowitz
United States District Judge